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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,797	07/12/2001	Stanley M. Siegel	19255.04	7452
37833	7590	06/13/2005	EXAMINER	
LITMAN LAW OFFICES, LTD PO BOX 15035 CRYSTAL CITY STATION ARLINGTON, VA 22215			KRAMER, JAMES A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/902,797

Applicant(s)

SIEGEL ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/25/05 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, depending from claim 3, recites sending e-commerce order as a Secure Order, yet Claim 3 specifically states that the order is non-secure. It is unclear how a non-secure order can be sent as a Secure Order and as such Examiner finds the claim to be indefinite.

Examiner recommends that Applicant amend claim 3 to exclude any reference to whether the order is secure or non-secure, as to prevent conflict with claims 5 and 6. For purpose of this Office Action that Examiner will interpret Claim 3 as being silent with respect to the security of the e-commerce order.

Claims 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites "transfer of data . . . between a Web server for the first computer for electronic mail to the first computer via the public Internet." Examiner believes applicant intends for the transfer of data to be between a web server and the first computer via electronic mail over the Internet. This is how the claim will be interpreted.

Claims 18-20 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 18-20 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed 8/26/04. In that paper, applicant has stated The claimed invention does not create dynamic real-time web pages at a web server, but creates static web pages on the merchant's desktop computer which can then be placed on any web server, so that a customer's web browser can view the page and have the embedded Javascript process the resulting customer order on the customer's web browser," and this statement indicates that the invention is different from what is defined in the claim(s) because claim 18 recites "querying the website for inventory information."

Examiner notes that *Microsoft Computer Dictionary* defines query as To extract data from a database and present it for use. As such, Claim 18's recitation of querying the website,

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indicates that there is a database on the website. Per Applicant's own admission, there is no database on the Internet server, only static web pages.

Further, Examiner notes that if the website contains only static pages as argued by Applicant, then it is unclear what is being queried, as the information is not changing (i.e. it's static).

Finally, as "querying" includes extracting data from a database, and assuming there is a database on the second computer, Examiner asserts that it is unclear how the data is being extracted from the database without any server side software.

For purpose of compact prosecution, based on Applicant's arguments presented with the current amendment and the amendment filed 8/26/04, Examiner will interpret claim 18 as receiving order information from a client, rather than querying of the website. Thus the order information for the online order is integrated with the point-of-sale sales information.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, as best interpreted by the Examiner are rejected under 35 U.S.C. 103(a) as being unpatentable over Atrex in view of iCat.

Atrex teaches an inventory control/POS software solution.

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With respect to **Claim 1**, Atrex teaches a first code means for constructing a relational database on a first computer, the database having an inventory of items offered for sale (see D-FAQs, page 4, lines 14-17).

Examiner notes that storing information in dBase data structures represents the creation of a database and as Atrex is an inventory control/POS software clearly the information stored in the dBase (database) includes an inventory of items offered for sale.

With further respect to **Claim 1**, Atrex teaches a second code means for generating an e-commerce website (see G TrustCart EX-setup tour)

Examiner notes that Atrex E-commerce compatibility with the inventory control/POS system (see B-Atrex Homepage, page 2, line 11 and C- Ecommerce Link Info Page). Examiner notes that Atrex includes functionality for interacting with TrustCart for the creation and maintenance of a website.

Examiner notes that Atrex does not specifically teach generating the website on a first computer without using server side software or a third code means for uploading the website to a second computer (Applicant's second computer represents an Internet Server). In contrast, the TrustCart feature of the Atrex reference utilizes an on-line control panel which facilitates the creation/generation of the website directly on the server.

iCat teaches a client-side software solution for creating webpages. Specifically a user creates and previews catalogs on any desktop computer, even without an Internet server and publishes a finished catalog by transferring the files to an Internet server (B – iCat Product Overview, page 2, lines 20-25).

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Examiner notes that at the time of the present invention on-line tools, such as TrustCart were in their infancy as broadband and high-speed Internet connections were not as prevalent as they are today. As a result of the slower connection speeds at the time, the use of client-side software, such as iCat, for the generation and preview of websites was very common.

It would, therefore, have been obvious to one of ordinary skill in the art at the time of the present invention to distribute the functionality of TrustCart (i.e. to generate a website and upload website to an Internet server) as client-side software as taught by iCat and as was common at the time. One of ordinary skill at the time of the invention would have been motivated to modify the references in order to provide a more efficient tool for users with slower Internet connection speeds.

With further respect to **Claim 1**, Atrex teaches a fourth code means for maintaining the database of inventory items offered for sale on the website and point-of sale and a fifth code means for updating inventory database to reflect sales made on the website and at the point-of-sale (see C-Ecommerce Link Info Page). Examiner notes that the standard functionality of Atrex is for maintaining and updating the inventory database (dBase as described above) to reflect sales at a point of sale, hence the description of the product as an inventory control/point-of-sale software package. Examiner notes that the partnership with TrustCart further includes the functionality of maintaining and updating the database to reflect changes made via the online site.

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With further respect to **Claim 1**, Atrex teaches a sixth code means for reflecting changes on the website resulting from changes in the inventory of the items available for sale (see H-TrustCart Easy Importing, page 1, lines 7-16). Examiner notes that TrustCart teaches functionality for interacting with client-side software such as Atrex. This functionality includes automatic updating procedures to keep your website current with your point of sale package.

With respect to **Claim 2**, Atrex in view of iCat teaches the system is configured to create static ASCII text files in HTMP format, upload them via FTP transfer and transfer the static ASCII text HTML files to a customer's computer having a web browser (see Atrex; I & J Sample Storefront).

Examiner notes that TrustCart has an example storefront for Chippewa Birdhouse. This storefront was made via TrustCart's interface. Based on the URL of these pages we can see that they are ASCII text HTML files. Further the screen shots presented as the prior art reference represents the transfer of the pages from the second computer (Internet Server) to a customer computer with a web browser (Examiner uses Windows Internet Explorer). Examiner notes that based on these teachings in combination of the analysis provided with claim 1, it is at the very least obvious that the pages created by the combination of Atrex in view of iCat are ASCII text HTML files.

Further Examiner takes Official Notice that at the time of the present invention FTP was the most common and most widely used method of transferring web pages from a client computer to a web server (for support see How the Internet Works page 179). As a result it would have been obvious to a person of ordinary skill in the art at the time of the invention that



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the uploading/transferring of files, performed by the combination of Atrex in view of iCat was done via FTP in order to utilize the most efficient and frequently used protocol.

With respect to **Claim 3**, Atrex in view of iCat teaches fifth code means is initiated by a customer transaction relating to an item or items available for sale on the e-commerce website, thus resulting in an e-commerce order, said Internet customer's Web browser transferring information about said e-commerce order to third party's Web server via HTTP, which then transfers the transaction via the Internet to an electronic mail server identified by the first computer using Simple Mail Transfer Protocol.

Examiner interprets this limitation to be when a user places an order on the website, the order is validated through a third party who then submits an email to the point-of-sale/inventory control system on the suppliers client-side computer for updating of the database and processing of the order (e.g. shipping the product).

Examiner notes that this is precisely the process presented by TrustCart. Examiner references G-TrustCart EX-setup tour, page 1, lines 11-13 for email order notification. Additionally, Examiner relies on F-TrustCart Homepage, lines 8-11 which teaches payment/credit card processing done by a third party (i.e. not by the store server). In other words, TrustCart verifies a uses payment and sends an order notification to the store for processing (e.g. updating the inventory DB/Atrex system and shipping the order).

With respect to **claim 4**, Atrex in view of iCat teaches uploading updated pages for the website generated by the updated inventory database. Examiner references the analysis of the

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sixth code means in Claim 1 above. Further Examiner notes that Atrex teaches the TrustCart feature includes functionally for updating your website to keep it current with the point of sale package (H TrustCart Easy Importing page 1, lines 12-16). Examiner notes as the combination of Atrex in view of iCat teaches a client-side version of the TrustCart software with FTP transfer of finished webpages, the combination also includes FTP transfer of updated pages to keep it current with the point of sale package. Examiner asserts that transferring the updated pages would be the only way for the modified invention to perform the updates.

With respect to **Claims 5 and 6**, Atrex in view of iCat teaches Internet customer's Web browser transfers information about said e-commerce order a non-secure order via HTTP. The combination also teaches the option of sending the order securely via HTTPS.

Examiner notes that (F)-TrustCart Homepage teaches the domain is equipped with SSL encryption and further clients may wish to add CPAWebTrust certification to their sites.

Examiner starts by noting that *Microsoft Computer Dictionary* defines HTTPS as a variation of HTTP that provides for encryption and transmission through a secure port which allows HTTP to run a security mechanism known as SSL. As such TrustCart's teaching of encryption and SSL represents the use of HTTPS.

Further Examiner asserts that TrustCart's teaching that clients may wish to include certification, represents the capability of sending an order request either securely or non-securely and as such the references anticipates both features.

With respect to **claim 7**, Atrex teaches means for tracking company expenses, vendors, customer or employers, means for generating various reports including, but not limited to inventory detail, sales, returns, profit, means for reordering items when quantities reach predetermined levels; means for automatically calculating taxes and shipping charges and means for processing e-commerce and point-of-sale transactions, including cash sales, returns, invoices, credit memos and payments. Examiner notes that these are all stand features of a inventory control/ POS software system (for example see B-Atrex Homepage, page 2, lines 5-31).

With respect to **claim 8**, Atrex teaches a user of the first computer uses the system with multiple e-commerce websites or multiple points-of-sale that offer for sale items from a common inventory (see B Atrex Home Page, page 3, lines 4-10). Examiner notes that licensing the product for multiple computer represents multiple point-of-sales.

With respect to **claim 9**, Atrex teaches the user of the first computer uses the system in connection with the Internet (for example see D-FAQs, page 1, lines 9-12) Examiner notes that “any network supported by Windows” represents utilizing the system across an Intranet.

With respect to **claims 10 and 11**, Atrex teaches a search engine means for enabling a customer to search the website with means for indexing and searching (see G-TrustCart EZ Setup Tour, page 1, lines 18-20). Examiner notes that “searchable categories” represents an indexed search engine feature. Examiner also references J-Storefront Example page 2, and notes that this page was created by TrustCart and includes a link for “Search our complete catalog”.

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With respect to **claim 12**, Examiner references the analysis of claim 1.

With respect to **claim 13**, Examiner references the analysis of claim 2.

With respect to **claim 14**, Examiner references the analysis of claim 3.

With respect to **claim 15**, Examiner references the analysis of claim 5. Examiner notes that a secure transaction provider is the third party of claim 5.

With respect to **claim 16**, Examiner references the analysis of claim 7.

With respect to **claim 17**, Examiner references the analysis of claims 10 and 11.

With respect to **claim 18**, Examiner references the analysis of claim 1.

With respect to **claim 19**, Examiner references the analysis of claim 1. Examiner notes that integrated information represents maintaining database and updating database as recited and discussed in claim 1.

With respect to **claim 20**, Examiner references the analysis of claim 7.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

It is the practice of the Office to utilize "The WayBack Machine" at [www.archive.org](http://www.archive.org). The Internet Archive is a comprehensive library of Internet sites and other cultural artifacts in digital form. The Wayback Machine is a free service allowing people to access and use archived

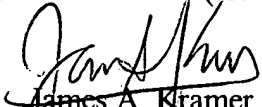
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versions of past web pages within the Internet Archive. Visitors to the Wayback Machine can type in a URL, select a date range, and then will be able to search and view the Internet Archive's enormous collection of web sites, dating back to 1996 and comprising over 10 billion web pages. All web-sites referenced as prior art in the Office Action were found via the WayBack Machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272 6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James A. Kramer  
Examiner  
Art Unit 3627  
6/9/05

jak